

ITEM NO.5

COURT NO.11

SECTION IVA

S U P R E M E            C O U R T   O F   I N D I A  
R E C O R D   O F   P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil)...../2011  
(CC 188-194/2011)  
(From the judgement and order dated 18/05/2007 in MA No. 1155/2002  
& MA No. 1158/2002 & MA No. 1266/2002 & MA No. 1267/2002 & MA No.  
1292/2002 & MA No. 1293/2002 & MA No. 1334/2002 of The HIGH COURT  
OF M.P AT INDORE)

MANOHAR SINGH &amp; ANR

Petitioner(s)

VERSUS

ORIENTAL INS.CO.LTD.&amp; ANR

Respondent(s)

With I.A.1-7 (C/delay in filing SLP and c/delay in refiling SLP)

Date: 17/01/2011            These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s)            Mr.Yogesh Tiwari, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following  
O R D E R

These are petitions directed against judgment dated 18.05.2007  
of the learned Single Judge of the Madhya Pradesh High Court,  
whereby he allowed the appeals preferred by respondent No.1 and  
declared that the Insurance Company shall not be liable to pay the  
amount of compensation awarded by the Motor Accident Claims  
Tribunal because the vehicle which was involved in the accident was  
being used in violation of the Insurance Policy.            The petitioners  
have also filed an application for condonation of 1062 days' delay.

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We have heard learned counsel for the petitioners and perused  
the record. In our opinion, the explanation given by the  
petitioners for condonation of 1062 days' delay is wholly  
unsatisfactory and there is no valid ground for exercise of power  
by this Court under Section 5 of the Limitation Act, 1963.

Even on merits, we are satisfied that the view taken by the  
learned Single Judge on the issue of liability of the Insurance  
Company does not suffer from any legal infirmity. Rather it is

consistent with the law laid down by this Court in New India  
Assurance Co.Ltd. vs. Asha Rani & Others, 2003 (1) ACJ 1, National  
Insurance Co.Ltd. vs. Baljit Kaur & Others, 2004 ACJ 428 and  
National Insurance Co.Ltd. vs. V.Chinnamma & Others, 2004 ACJ 1909.

The special leave petitions are accordingly dismissed on the  
ground of delay and also on merits.

( Satish K.Yadav )  
Court Master

( Phoolan Wati Arora )  
Court Master